

Philip J. Berg, Esquire (PA I.D. 9867)
E-mail: philjberg@gmail.com
LAW OFFICES OF PHILIP J. BERG
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531
Telephone: (610) 825-3134 Fax: (610) 834-7659
Attorney in pro se and for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION**

LISA LIBERI, et al,

Plaintiffs,

vs.

ORLY TAITZ, et al,

Defendants.

CIVIL ACTION NUMBER:

8:11-cv-00485-AG (AJW)

**DECLARATION OF PHILIP J.
BERG, ESQUIRE**

Date of Hearing: October 17, 2011
Time of Hearing: 10:00 a.m.
Location: Courtroom 10D

DECLARATION OF PHILIP J. BERG, ESQUIRE

I, Philip J. Berg, Esquire, am over the age of 18 and am a party to the within action. I have personal knowledge of the facts herein, and if called to do, I could and would competently testify. I am making this Declaration under the penalty of perjury of the Laws of the United States pursuant to 28 U.S.C. §1746.

1. I am an Attorney in good standing, licensed to practice law in the Commonwealth of Pennsylvania. I am licensed to practice in the U.S. District

1 Courts, Middle and Eastern District of Pennsylvania; Third Circuit Court of
2 Appeals; the Pennsylvania Supreme Court; and the U.S. Supreme Court.

3
4 2. Defendant Orly Taitz [“Taitz”] filed a Motion to Dismiss [“MTD”] on
5 behalf of her law practice, Law Offices of Orly Taitz [“L.O.O.T.”] on September
6 14, 2011. *See* Docket No. [“DN”] 376. This filing contains exaggerations, false
7 statements, false allegations about the Plaintiffs, manipulated and false statements
8 about this case, why the case was filed, pleadings on file in this Case, Orders of the
9 Courts, new falsified allegations against Plaintiff Lisa Liberi, etc.
10
11

12 3. Taitz filed this document for the improper purpose of using it as Press
13 Releases to further harass, slander, libel, defame and incite against my clients,
14 Plaintiffs Lisa Liberi, Lisa Ostella and myself. Taitz published her pleadings all
15 over the Internet in over twenty-seven [27] places of her personal website, personal
16 Facebook pages, personal social network locations, etc.
17
18

19 4. I sent an email to this Court on September 15, 2011, outlining that
20 Orly Taitz had placed an incorrect date on her MTD, and the date she calendared
21 was a holiday. Instead of contacting the Clerk and having this date corrected, Taitz
22 refilled all her documents again as an Amended MTD. *See* DN 377. This was
23 nothing more than to recirculate her filings to give her false statements credibility
24 and believability.
25
26
27
28

1 5. Taitz is accusing Lisa Ostella of working for me. Lisa Ostella is my
2 client and a Plaintiff in this case. Lisa Ostella does **not** and has **not** worked for me
3 or my law practice. Mrs. Ostella has assisted me on one occasion due to an
4 emergency with my website. Taitz is simply attempting to mislead this Court.
5

6 6. After I sent the email to the Court on September 15, 2011, which was
7 followed up with a letter seeking Leave to File for a Protective Order against Orly
8 Taitz, Orly Taitz continued her damaging actions. Taitz has posted false
9 statements, false allegations, incitement about the Plaintiffs all over the Internet on
10 average every one [1] to two [2] days out of retaliation of me attempting to protect
11 my clients.
12
13
14

15 7. Taitz MTD and Amended MTD are **not** compliant with the Federal
16 Rules of Civil Procedure or this Court's Local Rules. Taitz is **not** using numbered
17 pleading paper as required; Taitz font is only 12 instead of the required 14; If Taitz
18 had used the correct font, her pleading would be over the allowed pages; Taitz
19 pleading does **not** contain her California bar number and other violations of the
20 rules.
21
22

23 8. Taitz in her MTD and Amended MTD filed on behalf of L.O.O.T.
24 states that I was willing to dismiss L.O.O.T. without prejudice but that is **not** good
25 enough because she wants it dismissed with prejudice.
26
27
28

1 9. I had originally agreed to dismiss without prejudice the L.O.O.T. in
2 the event it was discovered to be a legal entity at a later date, I could rename it.

3
4 10. Both Orly Taitz and her attorney Peter Cook, Esquire never followed
5 through with the stipulation.

6 11. Taitz has now brought her frivolous Motion. At this point, with what
7 I have discovered, I **cannot** and will **not** voluntarily dismiss L.O.O.T. even without
8 prejudice unless strict proof is provided by Taitz that L.O.O.T. is **not** a legal entity.

9
10 12. When Plaintiffs originally filed suit, May 4, 2009, they had the Law
11 Offices of Orly Taitz listed as an a/k/a for Orly Taitz, see DN 1. On May 28, 2009,
12 Orly Taitz filed a Motion to Dismiss Plaintiffs suit in Pennsylvania. In so doing,
13 Taitz stated that L.O.O.T. was **not** an a/k/a but a law practice. See Taitz MTD filed
14 May 28, 2009, DN 35 at page 3, para. 7.

15 13. L.O.O.T. was also sued by Charles Edward Lincoln, III as this Court
16 may recall. L.O.O.T.'s insurance company, Zurich, hired two [2] separate
17 prominent firms to represent L.O.O.T. None of the attorney's filed claiming
18 L.O.O.T. was **not** a legal entity. Instead, Defense counsel filed a Certification of
19 Interested Parties naming the Law Offices of Orly Taitz and its Insurance
20 Company, Zurich Insurance. See DN 10 in *Lincoln v. Daylight, et al*, Case No.
21 8:10-cv-01573-AG (PLAx) filed December 15, 2010.
22
23
24
25
26
27
28

1 14. Orly Taitz has **not** substantiated any of her claims and there is **not** an
2 Affidavit, Declaration or any type of supporting evidence filed with L.O.O.T.'s
3 MTD or Amended MTD that L.O.O.T. is **not** a legal entity.
4

5 15. Taitz claims I filed suit on behalf of Plaintiffs Lisa Liberi ["Liberi"]
6 and Lisa Ostella ["Ostella"] due to her notification to the public of Liberi's
7 criminal record and Ostella locking her out of her website. Taitz statements are
8 dishonest and **not** true. I filed suit as a result of Taitz threatening to take me down
9 and to do so she was going to destroy my paralegal, Plaintiff Liberi, which she did.
10 I filed suit after Taitz created and published her Dossier #6, which contained
11 Liberi's full Social Security number, date of birth, address information, spouses
12 name, Social Security number, date of birth and false statements and stories about
13 Liberi, Ostella and me.
14

15 16. This lawsuit has nothing to do with a "supposed" criminal record or
16 Taitz falsified claims of being "locked out of her website". Taitz has never
17 published an actual criminal record of anyone. Instead, Taitz has print-outs that
18 she is circulating claiming them to be a criminal record.
19

20 17. Ostella did work for Taitz for a few short months. But, Liberi and I
21 have never had any dealings with Orly Taitz. In fact, Liberi had never seen Taitz
22 in person or met her until the Restraining Order Hearing before Judge Robreno in
23
24
25
26
27
28

1 Federal Court in Philadelphia on December 20, 2010, almost two [2] years after
2 Taitz attacks began on Liberi.

3
4 18. As outlined in Plaintiffs Brief in Support of their Opposition to
5 L.O.O.T.'s MTD and Amended MTD, Taitz has manipulated and falsified what is
6 pled in Plaintiffs First Amended Complaint ["FAC"]. Taitz has cited statutes,
7 never utilized or pled by the Plaintiffs, claiming they were pled by Plaintiffs; Taitz
8 has falsely accused Liberi of being convicted of cutting and pasting documents,
9 creating documents; and accusing Gary Kreep, Esquire and me of cutting and
10 pasting statutes and documents. The MTD and Amended MTD is packed with lies
11 prepared and filed by Taitz, a California licensed attorney. Taitz claims Plaintiffs
12 failed to cite to damages they have suffered, private data published and many other
13 false tales that are contradicted by Plaintiffs FAC and Taitz previous Court filings.

14
15 19. Whether Liberi has ever been convicted of any type of crime is none
16 of Taitz's business and is **not** of public importance. Liberi has never fundraised
17 for me nor has she had access to any of my financial accounts.

18
19 20. Taitz falsely claims that Liberi infringed on Taitz trademark by using
20 her website and soliciting her donors for donations. This is untrue. Taitz also
21 states that Ostella put my website on her (Ostella's) blog and Liberi and I benefited
22 from Taitz's foundation name. None of this is true; Liberi and I have **not** benefited

1 from anything of Taitz's. Instead, we have been severely damaged due to Taitz's
2 unethical and illegal actions towards us.

3
4 21. Most of Taitz false arguments in L.O.O.T.'s MTD and Amended
5 MTD have been litigated and re-litigated numerous times. Evidence and proof of
6 Taitz falsities have been filed with this Court numerous times. Taitz continues
7 bringing the same falsified stories, and manipulates the stories in some instances to
8 better suit her. None of this should be allowed by the Court.

9
10
11 22. L.O.O.T.'s MTD and Amended MTD must be Denied. In the
12 alternative, Plaintiffs should be Granted Leave to Amend, should the Court feel it
13 necessary. I am also asking that Taitz be Ordered to pay my Attorney Fees and
14 Costs for her frivolous filing, which was filed for improper reasons.

15
16
17 I declare under the penalty of perjury of the Laws of the United States and
18 California that the foregoing is true and correct.

19
20
21 Executed this 21st day of September, 2011 in the Commonwealth of
22 Pennsylvania, County of Montgomery.

23
24 /s/ Philip J. Berg
25 Philip J. Berg, Esquire, Declarant
26
27
28